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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,593	02/22/2002	Akira Hamamatsu	16869P-041800US	5740

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

TRINH, HOA B

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/082,593	Applicant(s) HAMAMATSU ET AL.	
	Examiner Vikki H Trinh	Art Unit 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Admitted Prior Art (APA), specification, pages 2-4, and figure 1.

As to claims 1,4,7,9, 10, 11-13, APA discloses a method for setting inspection conditions for semiconductor devices having the steps of setting a first inspection condition (step 5, fig. 1) using chip matrix and chip size data (step 5, fig. 1) which are obtained by accessing a design database (step 4, fig. 1) via communication means (step 5, fig. 1); inspecting the devices with the inspection condition (step 5, fig. 1); revising (step 10, fig. 1) said inspection condition by using data obtained by the inspecting; and inspecting semiconductor devices using said revised inspection condition (step 11, fig. 1). See figure 1.

Note: the term “revise” is to mean “(v. t.) To review, alter, and amend; as, to revise statutes; to revise an agreement; to revise a dictionary”.

<http://www.onelook.com/?other=web1913&w=Revise>

Note: the examiner interprets the term “extracting” to mean the same as reviewing or confirming the inspection results according to step 10. This interpretation is consistent with the definition of

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the term "extracting" which is defined as "to derive or obtain (information, for example) from a source". See <http://dictionary.reference.com/search?q=extracting>

Note: the term "classifying" is to mean the same as "setting the areas to be inspected and to be excluded according to step 8. Also the term "classify" is defined as "*—v.t., -fied, -fy•ing.* 1. to arrange or organize by classes; order according to class. 2. to assign a classification to (information, a document, etc.). Cf. **classification** (def. 5)." See <http://www.infoplease.com/dictionary/classify>

As to claims 2,5, 14-15, inspection conditions (step 5, APA, fig. 1) set includes the information whether or not an area for inspection is in an area in which false alarms tend to occur (step 8, figure 1)

As to claims 3, 6,9, inspection conditions set are revised (step 10, fig. 1) so that faulty matter is detected based on the results of a review and classification of defects detected during inspection of the devices. See figure 1 and page 4, second paragraph.

As to claim 8, the images are displayed on a screen. See specification, page 2, first paragraph.

Response to Arguments

3. Applicant's arguments filed 03/02/04 have been fully considered but they are not persuasive.

In the remarks, applicants alleged that APA does not teach or suggest limitations of claim 1, in particular the step of "setting an inspection condition by using chip matrix data and chip size data which are obtained by accessing a design database via communication means". On the contrary, the examiner applied APA, fig. 1, to every limitations of claim 1. According to

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claim 1, APA, step 5 of fig. 1 shows a design database step 4 using chip matrix data and chip size data which are obtained by accessing a design database via communication means. Also, the examiner interprets the term revising to mean reviewing. Furthermore, the definition of the term "revise" is to mean "(v. t.) To review, alter, and amend; as, to revise statutes; to revise an agreement; to revise a dictionary". <http://www.onelook.com/?other=web1913&w=Revise>

Thus, claim 1 is properly rejected.

As to claims 2-3, which depend on claim 1, are also properly rejected according to the rejection of claim 1 as set forth in the above.

As to claims 4-6, the examiner interprets the term "extracting" to mean the same as reviewing or confirming the inspection results according to step 10. This interpretation is consistent with the definition of the term "extracting" which is defined as "to derive or obtain (information, for example) from a source". See <http://dictionary.reference.com/search?q=extracting> Thus claim 4 is properly rejected.

As to claims 7-10, the term "classifying" is to mean the same as "setting the areas to be inspected and to be excluded according to step 8. Also the term "classify" is defined as "*—v.t., -fied, -fy•ing.* 1. to arrange or organize by classes; order according to class. 2. to assign a classification to (information, a document, etc.). Cf. **classification** (def. 5)." See <http://www.infoplease.com/dictionary/classify>

As to claims 11-13, step 5 of APA, fig. 1, shows that the design data is obtainable when accessing through the database.

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As to claims 14-15, APA, fig. 1, step 5, shows that the inspection conditions are set using design data from the design database when the designer enters the requirement.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General

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inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.

Vikki Trinh,
Patent Examiner
AU 2814



LONG PHAM
PRIMARY EXAMINER